

Minutes of the Salem City Council Meeting held on August 5, 2015 in the Salem City Council Chambers.

Worksession 6:15 p.m.

Bruce Ward from Forsgren Engineering discussed how Circle V Meat would like to hook onto our sewer system. He stated by the state definition, Circle V would not qualify as an industrial user. We would do a permit and would require them to do a pretreatment. The discharge permit would be with the council approval. The council was okay to proceed. The question was asked if Cornaby food processing would be consider an industrial user, Bruce stated he does not think they would qualify either.

Council reviewed the items on the agenda.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Janie Christensen
Councilperson Aaron Cloward
Councilperson Soren Christensen
Councilperson Sterling Rees
Councilperson Craig Warren

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney
David Johnson, Building Dept.
Matt Marziale, Recreation
Clark Crook, Power

Mayor Brailsford stated Councilperson Soren Christensen will be participating by phone tonight.

OTHERS PRESENT

Betty Herbert, David Olson, Robert J. McNeel, Tom Scribner, Kent Carter, Joe Bradford, Trey Stephens, Thane Eliot, Justin Royslance, Nick Allred, Gus Farley, Trudy Farley, Clark Caras, Christy Simons, Paul Cheney, Gary warner, Lisa Warner, Bryce Gray, Darren Averett, Gavin Averett, Brandon Coffman, Derick Myers, Logan Blanchard, Calvin Myers, Ryan Young, Rhonda Caywood, Brete Arnold.

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Matt Marziale stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Nick Allred, a boy scout, invited those who wish to participate, to stand and say the pledge of allegiance with him. He then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING

Open

MOTION BY: Councilperson Aaron Cloward to open the public hearing.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

a. Salisbury Development – Mower Salem Annexation

Henry Reynolds is representing the Salisbury Development and they want to proceed with the annexation. It has gone through the 90 day protest period, and there were no written protest for the annexation.

Mayor Brailsford asked if there were any comments from the public.

Gus Farley, who has property affected by the annexation, stated he is protesting the annexation, but he knows that he will be forced in with the annexation. He has some concerns with the annexation and coming into the city. He stated he has two electric meters with SESD, he has paid for them and the hookup fees, he is concerned that he would have to switch over to Salem City Power, and with the two meters, he is concerned about the fees and rates he would have to pay. He is also concerned about the sewer and being forced to hook onto city sewer and the expenses associated with it, and the same with the other utilities and being forced onto them. Mayor Brailsford told Gus, that he would not be forced onto the utilities, until he develops or subdivides his property. The only utilities he would be required to pay now are for the storm water fee and also garbage. Mayor also told him some of the other benefits by coming into the city, like covered by Salem City Public Safety.

Gus had a couple more concerns, which were the buyout cost from SESD, he does not want to incur those cost, losing the right to hunt on his property, if he could still hunt, he would still want his animal rights, and then zoning, he would request not being zoned commercial or industrial but he would want to be high density. Chief Brad James stated he would still be able to hunt, but he would have to be 600 feet from homes. Attorney Junior Baker stated if he is zoned as agriculture, he would still be able to keep his animal rights and it is also a good holding zone, then when he would like to develop he could come in for a zone change.

Councilperson Soren Christensen asked about Guy Farley property. Gus stated that his father Guy had deeded the property over to him.

Mayor Brailsford asked if there were any other questions.

b. Swift Creek Properties - Variance on Side Setback Requirement for the Existing House at 830 South 130 East

Tom Scribner told the council, if they were to take the garage off of the home, then they would not need a variance. They would like to keep the home and not tear it down like it was discussed. When the development was designed, it was an oversite on the road with the proportion to the home. After the road was completed, it made the home out of compliance. The older home fits in with the other homes in the area, except for the new homes.

Mayor Brailsford stated that every time they came in to talk about the Orchard Farms Development, the existing Sabin home (the one in question tonight) was not there. He feels they are now coming in and asking for forgiveness. Tom explained when the two lots were divided off from the rest of the subdivision; they wanted to keep the existing home and do a remodeling of the home.

Councilperson Soren Christensen asked if they applied for any building permits for the remodeling. Tom explained since the structure of the home was not changed, they did not need to have a building permit.

Mayor Brailsford asked if there were any other questions.

Close

MOTION BY: Councilperson Sterling Rees to close the public hearing.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (5-0).

a. Salisbury Development – Mower Salem Annexation

Mayor Brailsford stated the city is still waiting on SESD for a cost of the infrastructure for the power buyout. When we receive that, then the council can make a decision on the annexation, if Salisbury still wants to proceed.

MOTION BY: Councilperson Aaron Cloward to table the decision until we have the cost of the SESD power buy out for the area.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

b. Swift Creek Properties - Variance on Side Setback Requirement for the Existing House at 830 South 130 East

Councilperson Soren Christensen asked if the garage is removed, would the home then be in compliance. It was stated the home would be in compliance and then they would not need to ask for a variance.

MOTION BY: Councilperson Soren Christensen to deny the variance request, and either have the home torn down or the garage taken off.

SECONDED BY: Councilperson Craig Warren

VOTE: All Affirmative (5-0).

4. MISS SALEM, JENESSA PRATT – Presentation

Miss Salem, Janessa Pratt was not present to give the presentation.

5. BRETE ARNOLD – Carport at 862 South 320 East

Brett Arnold explained there is a concrete pad on the north side of the home where she has put a carport. When she bought the home she talked to Dave Johnson about putting a portable carport structure on the cement pad. She was told from the city that as long as it was not enclosed, would need to be two feet from the sidewalk, and not be on city property, she would not need a permit. She was also not familiar with the ordinance, so she did not realize she would be out of compliance. She showed photos of the home and carport. The carport is 17 feet wide and 24 feet long. It is all enclosed with fence and gate now that she recently installed the fencing around the home. She paid a little more to have the carport match her home. She is here tonight to ask the council to change the ordinance for corner lots. She said it is not a permanent structure, and was under the impression she did not need a building permit.

Dave Johnson stated any structure over 200 feet require a permit. These carports are considered permanent structures, and so they would require a permit. The contractor who installed it should have known they needed a permit. This has been a problem with these carports. Dave also stated in the discussion with Brett, he was unaware the property was a corner lot and feels there was miscommunication on the type of structure.

Mayor Brailsford stated to the council, they can either deny or change the ordinance.

Brett stated she has the carport for her mother, who lives in the basement of the home.

Councilperson Craig Warren asked about the ordinance and why it reads 25 feet from the frontage and then five feet from the side. Attorney Junior Baker stated it is written that way because of problems we have had in the past and so the council at the time approved it.

Brett stated she did talk to Dave Johnson before and thought she would be okay. After further discussion with Dave, there was a misunderstanding on the structure and corner lot. Now she has the information correct, she would like to request the ordinance be changed.

MOTION BY: Councilperson Aaron Cloward to deny the request and require Brett to have the structure removed within 90 days.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

Councilperson Craig Warren explained we have had similar situation come before council with these type of buildings, and it has become a problem. We have required others to remove or move them so they are in compliance.

Brett asked about how she could be in compliance. Mayor Brailsford asked Dave Johnson to get with Brett and discuss this.

6. JOSH THAYER – City Property North of 220 South Main St.

Mayor Brailsford stated Josh would like to purchase the property by his home from the city. After discussing this in work session, it was recommended that we have the city surveyor, Aaron Painter, survey the property to make sure it is actually owned by the city or if not, then who owns it. Mayor Brailsford told Josh it would be on the next council agenda, August 19.

7. APPROVE CONTRACT WITH NEBO PHILHARMONIC ORCHESTRA

Attorney Junior Baker stated this agreement is with the Nebo Philharmonic Orchestra. They have had this contract for a year, but it was on a six month basis. They have been very good to work with and have done everything they said they would in the contract. This contract is for a year, rather than for six months as before. It allows them to use our community center to practice in, and in return, they will do two deep cleanings a year and perform a free concert twice a year for the city.

MOTION BY: Councilperson Janie Christensen to approve the contract with Nebo Philharmonic Orchestra.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (5-0).

8. APPROVE MINUTES OF JULY 15, 2015

Jeff Nielson stated he would have the minute's ready next council meeting.

9. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Craig Warren to approve the bills for payment.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

Mayor Brailsford reported the amount of bills to be approved tonight is \$1,226, 932.

COUNCIL REPORTS

10. MAYOR RANDY BRAILSFORD

Mayor Brailsford reported Revere Health (formally Central Utah Clinic) will be having a ribbon cutting/ground breaking on Friday.

Mayor Brailsford turned the time over to Police Chief James.

Chief James read the notice that has been posted regarding the pond. We have found some dead ducks and the health department is concerned with it. They are doing tests to determine what is going on with it. We have recommended the pond be closed to swimming/fishing until we get results back from the health department. Because of this we relocated the Salem Days Boat Regatta last night to the Spanish Fork Reservoir.

Mayor Brailsford stated when we found out about the closure of the pond, he called Spanish Fork Mayor and Earl Davis to see if we could use the Spanish Fork Reservoir or the Davis pond. After looking at the logistics, we went with the Spanish Fork Reservoir. He was very grateful for the two options and both being willing to work with the city. We used the reverse 911 system to call the residents of Salem and notified them of the move and the closure of the pond. We also posted around the pond about the closure. We hope to get the results back soon.

Mayor Brailsford excused Chief James so he could go help with Salem Days activities.

11. COUNCILPERSON STERLING REES

Councilperson Rees reported in a couple of weeks UMPA Board and Technical Committee will be going to Oregon for a tour at a nuclear power plant.

He also reported the golf tournament filled up, they have had a lot of generous donations. He thanked the recreation office for their work on Salem Days.

12. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Janie Christensen reported the library was able to get Ty Tingy for the auction. The library also asking for the council to be spotters during the auction.

13. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward reported the crews are very busy with Salem Days. He also thanked Clark Caras of the Chamber for all of his work.

14. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen stated he would not be able to attend any of the Salem Days activities. He thanked everyone for all that they are doing for Salem Days.

Mayor Brailsford stated he has asked Chris Averett to do testing on the Maple Well, to see how the recharging of the well is doing. Chris also was able to catch 11 people watering last Friday.

15. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren reported 100 East has been paved and will be opened tomorrow. It looks really good, and thanked those who have been working on it.

Mayor Brailsford stated the city crews have really been working hard to get things ready for Salem Days, and thanked them all for their work.

16. PUBLIC SAFETY – CHIEF BRAD JAMES

Chief James was excused earlier.

17. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson did not have anything to report tonight.

18. ATTORNEY S. JUNIOR BAKER.

Attorney Junior Baker did not have anything to report tonight.

19. JEFFREY NIELSON, CITY FINANCE DIRECTOR/RECORDER

Jeff Nielson did not have anything to report tonight.

20. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale reported the storm water project on Canal Road about 350 West is just about completed. It worked really well with the last storm we had. The property owners, Olson's, are happy with the improvements.

21. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook did not have anything to report tonight.

22. WADE REYNOLDS, STORM DRAIN/SAFETY

Wade Reynolds was excused.

23. CLOSED SESSION – Possible Litigation

MOTION BY: Councilperson Janie Christensen to close city council and move into a closed session for the discussion of possible litigation.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

City Council Meeting Resumed

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Janie Christensen to adjourn city council meeting.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder